

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Patrick Walsh

v.

Civil No. 05-cv-188-JD

Concord Police Department, et al.

ORDER

Proceeding *pro se* and *in forma pauperis*, Patrick Walsh filed a complaint under 42 U.S.C. § 1983 alleging that he was subjected to false arrest on May 31, 2002. Walsh alleges that he was arrested by two Concord Police officers without probable cause.¹ The complaint is before me for preliminary review to determine whether, among other things, it states any claim upon which relief may be granted. See 28 U.S.C. § 1915A; United States District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2).

As explained fully in the Report and Recommendation issued simultaneously with this Order, I authorize the false arrest

¹Walsh attempts to allege additional claims against additional defendants in his complaint. In the Report and Recommendation issued simultaneously with this Order, I recommend that all of the claims alleged, except the false arrest claims against the arresting officers, be dismissed.

claim to proceed against the two police officers who arrested Walsh. Walsh has not yet named the officers, however, referring to them only as John Doe #1 and John Doe #2. In order to proceed with this action, Walsh must obtain the names of the John Doe officers and file an amendment to his complaint naming the officers, and complete and submit to the Clerk's Office summons forms with the John Doe defendants' names so that the complaint may be served within 120 days of the date of this Order. See Fed. R. Civ. P. 4(m).

Once Walsh has submitted the required summons forms, I order the complaint to be served on those defendants. The Clerk's office is directed to issue the necessary summons forms and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint, the Report and Recommendation issued simultaneously with this Order, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Walsh is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: December 6, 2005

cc: Patrick Walsh, *pro se*